



## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

#### 15 CFR Part 744

[Docket No. 230713-0167]

RIN 0694-AJ28

#### Additions to the Entity List

**AGENCY:** Bureau of Industry and Security, Department of Commerce.

**ACTION:** Final rule.

**SUMMARY:** In this rule, the Bureau of Industry and Security (BIS) amends the Export Administration Regulations (EAR) by adding four entities to the Entity List under the destinations of Greece, Hungary, Ireland, and North Macedonia. These four entities have been determined by the U.S. Government to be acting contrary to the national security or foreign policy interests of the United States.

**DATES:** This rule is effective on July 18, 2023.

**FOR FURTHER INFORMATION CONTACT:** Chair, End-User Review Committee, Office of the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, Phone: (202) 482-5991, Email: [ERC@bis.doc.gov](mailto:ERC@bis.doc.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

The Entity List (supplement no. 4 to part 744 of the EAR (15 CFR parts 730 through 774)) identifies entities for which there is reasonable cause to believe, based on specific and articulable facts, that the entities have been involved, are involved, or pose a significant risk of being or becoming involved in activities contrary to the national security or foreign policy interests of the United States, pursuant to § 744.11(b). The EAR impose additional license requirements on, and limit the availability of, most license exceptions for exports, reexports, and

transfers (in-country) when a listed entity is a party to the transaction. The license review policy for each listed entity is identified in the “License Review Policy” column on the Entity List, and the impact on the availability of license exceptions is described in the relevant *Federal Register* document that added the entity to the Entity List. The Bureau of Industry and Security (BIS) places entities on the Entity List pursuant to parts 744 (Control Policy: End-User and End-Use Based) and 746 (Embargoes and Other Special Controls) of the EAR.

The End-User Review Committee (ERC), composed of representatives of the Departments of Commerce (Chair), State, Defense, Energy and, where appropriate, the Treasury, makes all decisions regarding additions to, removals from, or other modifications to the Entity List. The ERC makes all decisions to add an entry to the Entity List by majority vote and makes all decisions to remove or modify an entry by unanimous vote.

### **Entity List Decisions**

#### *A. Additions to the Entity List*

The ERC determined to add Intellexa S.A., under the destination of Greece, Cytrox Holdings Zrt., under the destination of Hungary, Intellexa Limited, under the destination of Ireland, and Cytrox AD, under the destination of North Macedonia, to the Entity List for trafficking in cyber exploits used to gain access to information systems, thereby threatening the privacy and security of individuals and organizations worldwide. This activity is contrary to U.S. national security and foreign policy interests under § 744.11 of the EAR. For these four entities, BIS imposes a license requirement for all items subject to the EAR and will review license applications under a presumption of denial.

### **GREECE**

- Intellexa S.A.

### **HUNGARY**

- Cytrox Holdings Zrt.

### **IRELAND**

- Intellexa Limited.

## **NORTH MACEDONIA**

- Cytrox AD.

### *Savings Clause*

For the changes being made in this final rule, shipments of items removed from eligibility for a License Exception or export, reexport, or transfer (in-country) without a license (NLR) as a result of this regulatory action that were en route aboard a carrier to a port of export, reexport, or transfer (in-country), on July 18, 2023, pursuant to actual orders for export, reexport, or transfer (in-country) to or within a foreign destination, may proceed to that destination under the previous eligibility for a License Exception or export, reexport, or transfer (in-country) without a license (NLR) before August 17, 2023. Any such items not actually exported, reexported or transferred (in-country) before midnight, on August 17, 2023, require a license in accordance with this final rule.

## **Export Control Reform Act of 2018**

On August 13, 2018, the President signed into law the John S. McCain National Defense Authorization Act for Fiscal Year 2019, which included the Export Control Reform Act of 2018 (ECRA) (50 U.S.C. 4801-4852). ECRA provides the legal basis for BIS's principal authorities and serves as the authority under which BIS issues this rule.

## **Rulemaking Requirements**

1. This rule has been determined to be not significant for purposes of Executive Order 12866.
2. Notwithstanding any other provision of law, no person is required to respond to or be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This regulation involves an information collection approved by OMB

under control number 0694-0088, Simplified Network Application Processing System. BIS does not anticipate a change to the burden hours associated with this collection as a result of this rule. Information regarding the collection, including all supporting materials, can be accessed at <https://www.reginfo.gov/public/do/PRAMain>.

3. This rule does not contain policies with federalism implications as that term is defined in Executive Order 13132.

4. Pursuant to section 1762 of the Export Control Reform Act of 2018, this action is exempt from the Administrative Procedure Act (5 U.S.C. 553) requirements for notice of proposed rulemaking, opportunity for public participation, and delay in effective date.

5. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by 5 U.S.C. 553, or by any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, are not applicable. Accordingly, no regulatory flexibility analysis is required, and none has been prepared.

#### **List of Subjects in 15 CFR Part 744**

Exports, Reporting and recordkeeping requirements, Terrorism.

Accordingly, part 744 of the Export Administration Regulations (15 CFR parts 730 through 774) is amended as follows:

#### **PART 744 – CONTROL POLICY: END-USER AND END-USE BASED**

1. The authority citation for 15 CFR part 744 continues to read as follows:

**Authority:** 50 U.S.C. 4801-4852; 50 U.S.C. 4601 *et seq.*; 50 U.S.C. 1701 *et seq.*; 22 U.S.C. 3201 *et seq.*; 42 U.S.C. 2139a; 22 U.S.C. 7201 *et seq.*; 22 U.S.C. 7210; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13026, 61 FR 58767, 3 CFR, 1996

Comp., p. 228; E.O. 13099, 63 FR 45167, 3 CFR, 1998 Comp., p. 208; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13224, 66 FR 49079, 3 CFR, 2001 Comp., p. 786; Notice of September 19, 2022, 87 FR 57569 (September 21, 2022); Notice of November 8, 2022, 87 FR 68015 (November 10, 2022).

2. Supplement no. 4 to part 744 is amended by:

- a. Under GREECE, adding an entry in alphabetical order for “Intellexa S.A.”;
- b. Adding in alphabetical order the country HUNGARY followed by the entry “Cytrox Holdings Zrt”;
- c. Under IRELAND, adding an entry in alphabetical order for “Intellexa Limited”; *and*
- d. Adding in alphabetical order the country NORTH MACEDONIA followed by the entry “Cytrox AD”.

The additions read as follows:

#### Supplement No. 4 to Part 744 – Entity List

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COUNTRY	ENTITY	LICENSE REQUIREMENT	LICENSE REVIEW POLICY	FEDERAL REGISTER CITATION
*****				
GREECE	*****			
	Intellexa S.A., a.k.a., the following one alias: -Intellexa Anonymi Etaireia.  Vouliagmenis Ave. & 14 Hatzievaggelou Elliniko, 16777, Greece; <i>and</i> Leof Vouliagmenis 47, 16777, Elliniko, Greece; <i>and</i> Irodou Attikou Street 7, Athens, Greece; <i>and</i> Karaoli Dimitriou 1 & Vasiliss 1, 15231, Athens, Greece.	For all items subject to the EAR. (See § 744.11 of the EAR)	Presumption of denial	88 FR [INSERT FR PAGE NUMBER AND DATE OF PUBLICATION IN THE FEDERAL REGISTER].
HUNGARY	*****			
	Cytrox Holdings Zrt, a.k.a., the following one alias: -Cytrox Holdings Zartkoruen Mukodo Reszvenytarsasag.  Deák Ferenc tér 3. Budapest, 1052 Hungary.	For all items subject to the EAR. (See § 744.11 of the EAR)	Presumption of denial	88 FR [INSERT FR PAGE NUMBER AND DATE OF PUBLICATION IN THE FEDERAL REGISTER].
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IRELAND	Intellexa Limited, a.k.a., the following one alias:	For all items subject to the EAR.	Presumption of denial	88 FR [INSERT FR PAGE

	-Intellexa Ltd.  3rd Floor, Ulysses House, Foley Street, Dublin 1, Dublin, Ireland, D01W2T2.	(See § 744.11 of the EAR)		NUMBER AND DATE OF PUBLICATION IN THE FEDERAL REGISTER].
*****				
<b>NORTH MACEDONIA</b>	Cytrox AD, a.k.a., the following one alias: -Sytrox.  October 20, no. 1/1-1 Skopje, Karpos, North Macedonia; <i>and</i> Metropolitan Theodosij Gologanov 44, Skopje, Karpos, North Macedonia.	For all items subject to the EAR. (See § 744.11 of the EAR)	Presumption of denial	88 FR [INSERT FR PAGE NUMBER AND DATE OF PUBLICATION IN THE FEDERAL REGISTER].
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**Thea D. Rozman Kendler,**

*Assistant Secretary for Export Administration.*

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